

Message Text

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ACTION IO-14

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E.O. 11652: N/A
TAGS: UNHRC, SHUM
SUBJECT: 34TH HUMAN RIGHTS COMMISSION: ITEM 22,
CONVENTION ON THE RIGHTS OF THE CHILD

REF: 1. GENEVA 1287, 2. STATE 27716

1. POLISH DEL HAS TABLED RES AND DRAFT CONVENTION ON
SUBJECT ITEM WHICH WOULD BE COMPLETED AT THE 35TH SESSION
OF THE HRC AND ADOPTED BY THE 34TH GA. (SEE TEXT AT
END OF THIS MESSAGE.)

2. CANADIAN DEL HAS PROTESTED THAT DRAFTING A CONVENTION
IN ONE YEAR IS UNLIKELY, IF NOT IMPOSSIBLE, AND PROVIDED
ALTERNATIVE PROPOSAL WHICH CALLS FOR EXAMINATION OF A
DRAFT CONVENTION AT THE 35TH HRC SESSION. THIS PROPOSAL
HAS BEEN IGNORED BY THE POLES.

3. NGO'S HAVE DISTRIBUTED A STATEMENT AS AN OFFICIAL
UN DOCUMENT WHICH STATES THAT STUDIES AND SURVEYS
CONCERNING RIGHTS OF THE CHILD ARE BEING CONDUCTED
CONCERNING THE IMPLEMENTATION OF THE DECLARATION OF THE
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RIGHTS OF THE CHILD AND THE APPLICATION OF OTHER EXISTING
INTERNATIONAL PRONOUNCEMENTS. DOCUMENT ALSO STATES THAT
THE RESULTS OF THESE STUDIES SHOULD BE TAKEN INTO ACCOUNT
WHEN DOCUMENT IS DRAFTED AND REQUESTS THAT THE COMMISSION
CONSIDER THIS ISSUE IN 1980. USDEL HAS DISCUSSED WITH
NGO'S AND OTHER DELS OUR VIEWS AS STATED IN REF. 2.

4. CANADIAN DEL EXPECTS TO ABSTAIN ON RES WHEN VOTE IS TAKEN EARLY DURING WEEK OF MARCH 6. USDEL WOULD APPRECIATE DEPARTMENT'S VIEWS AND VOTING INSTRUCTIONS ASAP.

5. BEGIN TEXT. THE COMMISSION ON HUMAN RIGHTS,

TAKING INTO CONSIDERATION THE DRAFT CONVENTION ON THE RIGHTS OF THE CHILD SUBMITTED BY POLAND ON 7 FEBRUARY 1978 AND ANNEXED TO THE PRESENT RESOLUTION,

1. REQUESTS THE SECRETARY-GENERAL TO TRANSMIT THE DRAFT CONVENTION TO MEMBER STATES INVITING THEM TO COMMUNICATE TO HIM NOT LATER THAN 30 JUNE 1978 THEIR VIEWS, OBSERVATIONS AND SUGGESTIONS ON SUCH A CONVENTION AND REQUESTS HIM TO SUBMIT A REPORT THEREON TO THE ECONOMIC AND SOCIAL COUNCIL AT ITS SECOND REGULAR SESSION OF 1978;

2. REQUESTS THE ECONOMIC AND SOCIAL COUNCIL TO UNDERTAKE AT ITS SECOND REGULAR SESSION OF 1978 THE CONSIDERATION OF THE DRAFT CONVENTION ON THE RIGHTS OF THE CHILD, TAKING INTO ACCOUNT BOTH THE DRAFT PRESENTED BY POLAND AND THE REPORT OF THE SECRETARY-GENERAL;

3. RECOMMENDS THAT THE ECONOMIC AND SOCIAL COUNCIL SHOULD ADOPT AT ITS SECOND REGULAR SESSION IN 1978 THE FOLLOWING DRAFT RESOLUTION:
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QTE. THE ECONOMIC AND SOCIAL COUNCIL,

HAVING IN MIND THE FACT THAT GENERAL ASSEMBLY RESOLUTION 31/169 OF 21 DECEMBER 1976 PROCLAIMED 1979 AS THE INTERNATIONAL YEAR OF THE CHILD,

BEARING IN MIND THAT SINCE THE ADOPTION BY THE GENERAL ASSEMBLY OF THE DECLARATION OF THE RIGHTS OF THE CHILD 19 YEARS HAVE ELAPSED, DURING WHICH PERIOD STATES MEMBERS OF THE UNITED NATIONS HAVE TAKEN INTO ACCOUNT IN THE FORMULATION OF THEIR SOCIO-ECONOMIC POLICIES THE PRINCIPLES OF THAT DECLARATION;

CONSCIOUS OF THE NEED FURTHER TO STRENGTHEN THE COMPREHENSIVE CARE AND WELL-BEING OF CHILDREN ALL OVER THE WORLD,

BEING AWARE OF THE SPECIAL NEED TO ASSIST CHILDREN IN THE DEVELOPING COUNTRIES IN A MANNER CONSISTENT WITH THE GOALS OF THE NEW INTERNATIONAL ECONOMIC ORDER,

HAVING IN MIND THE INTERNATIONAL COVENANT ON CIVIL AND
POLITICAL RIGHTS, IN PARTICULAR ITS ARTICLES 23 AND 24,
AS WELL AS THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS, IN PARTICULAR ITS ARTICLE 10,

RESOLVES TO RECOMMEND TO THE GENERAL ASSEMBLY THAT IT
CONSIDER THE DRAFTING OF A CONVENTION ON THE RIGHTS OF THE
CHILD BASED ON THE PRINCIPLES AND PROVISIONS CONTAINED IN
THE UNITED NATIONS DECLARATION OF THE RIGHTS OF THE CHILD
AS PRESENTED IN THE DRAFT CONVENTION ANNEXED TO COMMISSION
ON HUMAN RIGHTS RESOLUTION (BLANK) (XXXIV) AS WELL AS ON
THE VIEWS, OBSERVATIONS AND SUGGESTIONS OF MEMBER STATES

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TRANSMITTED TO THE SECRETARY-GENERAL UNDER PARAGRAPH 1
OF COMMISSION RESOLUTION (BLANK) (XXXIV), WITH THE HOPE
THAT IT WILL BE ADOPTED AT THE THIRTY-FOURTH SESSION OF
THE GENERAL ASSEMBLY. UNQTE.

ANNEX. DRAFT CONVENTION ON THE RIGHTS OF THE CHILD

THE STATES PARTIES TO THE PRESENT CONVENTION,

BEARING IN MIND THAT THE PEOPLES OF THE UNITED NATIONS
HAVE, IN THE CHARTER, REAFFIRMED THEIR FAITH IN FUNDA-
MENTAL HUMAN RIGHTS AND IN THE DIGNITY AND WORTH OF THE
HUMAN PERSON, AND HAVE DETERMINED TO PROMOTE SOCIAL
PROGRESS AND BETTER STANDARDS OF LIFE IN LARGER FREEDOM,

RECOGNIZING THAT THE UNITED NATIONS HAVE, IN THE UNIVER-

SAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS, PROCLAIMED AND AGREED THAT EVERYONE IS ENTITLED TO ALL THE RIGHTS AND FREEDOMS SET FORTH THEREIN, WITHOUT DISTINCTION OF ANY KIND, SUCH AS RACE, COLOUR, SEX, LANGUAGE, RELIGION, POLITICAL OR OTHER OPINION, NATIONAL OR SOCIAL ORIGIN, PROPERTY, BIRTH OR LIMITED OFFICIAL USE

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OTHER STATUS,

RECOGNIZING ALSO THAT THE CHILD, BY REASON OF HIS PHYSICAL AND MENTAL IMMATURITY, NEEDS SPECIAL SAFEGUARDS AND CARE, INCLUDING APPROPRIATE LEGAL PROTECTION, BEFORE AS WELL AS AFTER BIRTH,

HAVING IN MIND THAT THE NEED FOR SUCH SPECIAL SAFEGUARDS HAS BEEN STATED IN THE GENEVA DECLARATION OF THE RIGHTS OF THE CHILD OF 1924 AND IN THE UNITED NATIONS DECLARATION OF THE RIGHTS OF THE CHILD OF 1959 AND RECOGNIZED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, IN THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (IN PARTICULAR IN ITS ARTICLES 23 AND 24), IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (IN PARTICULAR IN ITS ARTICLE 10) AND IN THE STATUTES OF SPECIALIZED AGENCIES AND INTERNATIONAL ORGANIZATIONS CONCERNED WITH THE WELFARE OF CHILDREN,

PROCLAIMING THAT MANKIND OWES TO THE CHILD THE BEST IT HAS TO GIVE,

HAVE AGREED AS FOLLOWS:

ARTICLE I - EVERY CHILD, WITHOUT ANY EXCEPTION WHATSOEVER, SHALL BE ENTITLED TO THE RIGHTS SET FORTH IN THIS CONVENTION, WITHOUT A DISTINCTION OR DISCRIMINATION ON ACCOUNT OF RACE, COLOUR, SEX, LANGUAGE, RELIGION, POLITICAL AND OTHER OPINION, NATIONAL OR SOCIAL ORIGIN, PROPERTY, BIRTH OR OTHER STATUS, WHETHER OF HIMSELF OR OF HIS FAMILY.

ARTICLE II - THE CHILD SHALL ENJOY SPECIAL PROTECTION
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AND SHALL BE GIVEN OPPORTUNITIES AND FACILITIES, BY LAW AND BY OTHER MEANS, TO ENABLE HIM TO DEVELOP PHYSICALLY, MENTALLY, MORALLY, SPIRITUALLY AND SOCIALLY IN A HEALTHY

AND NORMAL MANNER AND IN CONDITIONS OF FREEDOM AND DIGNITY. IN THE ENACTMENT OF LAWS FOR THIS PURPOSE, THE BEST INTERESTS OF THE CHILD SHALL BE THE PARAMOUNT CONSIDERATION.

ARTICLE III - THE CHILD SHALL BE ENTITLED FROM HIS BIRTH TO A NAME AND A NATIONALITY.

ARTICLE IV - THE CHILD SHALL ENJOY THE BENEFITS OF SOCIAL SECURITY. HE SHALL BE ENTITLED TO GROW AND DEVELOP IN HEALTH; TO THIS END, SPECIAL CARE AND PROTECTION SHALL BE PROVIDED BOTH TO HIM AND TO HIS MOTHER, INCLUDING ADEQUATE PRE-NATAL AND POST-NATAL CARE. THE CHILD SHALL HAVE THE RIGHT TO ADEQUATE NUTRITION, HOUSING, RECREATION AND MEDICAL SERVICES.

ARTICLE V - THE CHILD WHO IS PHYSICALLY, MENTALLY OR SOCIALLY HANDICAPPED SHALL BE GIVEN THE SPECIAL TREATMENT, EDUCATION AND CARE REQUIRED BY HIS PARTICULAR CONDITION.

ARTICLE VI - THE CHILD, FOR THE FULL AND HARMONIOUS DEVELOPMENT OF HIS PERSONALITY, NEEDS LOVE AND UNDERSTANDING. HE SHALL, WHEREVER POSSIBLE, GROW UP IN THE CARE AND UNDER THE RESPONSIBILITY OF HIS PARENTS, AND IN ANY CASE, IN AN ATMOSPHERE OF AFFECTION AND OF MORAL AND MATERIAL SECURITY; A CHILD OF TENDER YEARS SHALL NOT, SAVE IN EXCEPTIONAL CIRCUMSTANCES, BE SEPARATED FROM HIS MOTHER. SOCIETY AND THE PUBLIC AUTHORITIES SHALL HAVE THE DUTY TO EXTEND PARTICULAR CARE TO CHILDREN WITHOUT A FAMILY AND TO THOSE WITHOUT ADEQUATE MEANS OF SUPPORT. PAYMENT OF STATE AND OTHER ASSISTANCE TOWARDS THE MAIN-

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TENANCE OF CHILDREN OF LARGE FAMILIES IS DESIRABLE.

ARTICLE VII- 1. THE CHILD IS ENTITLED TO RECEIVE EDUCATION, WHICH SHALL BE FREE AND COMPULSORY, AT LEAST IN THE ELEMENTARY STAGES. HE SHALL BE GIVEN AN EDUCATION WHICH WILL PROMOTE HIS GENERAL CULTURE AND ENABLE HIM, ON A BASIS OF EQUAL OPPORTUNITY. TO DEVELOP HIS ABILITIES, HIS INDIVIDUAL JUDGMENT AND HIS SENSE OF MORAL AND SOCIAL RESPONSIBILITY, AND TO BECOME A USEFUL MEMBER OF SOCIETY.

2. THE BEST INTERESTS OF THE CHILD SHALL BE THE GUIDING PRINCIPLE OF THOSE RESPONSIBLE FOR HIS EDUCATION AND GUIDANCE; THAT RESPONSIBILITY LIES IN THE FIRST PLACE WITH HIS PARENTS.

3. THE CHILD SHALL HAVE FULL OPPORTUNITY FOR PLAY AND RECREATION, WHICH SHOULD BE DIRECTED TO THE SAME PURPOSE AS EDUCATION; SOCIETY AND THE PUBLIC AUTHORITIES SHALL ENDEAVOR TO PROMOTE THE ENJOYMENT OF THIS RIGHT.

ARTICLE VIII - THE CHILD SHALL IN ALL CIRCUMSTANCES BE AMONG THE FIRST TO RECEIVE PROTECTION AND RELIEF.

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ARTICLE IX - 1. THE CHILD SHALL BE PROTECTED AGAINST ALL FORMS OF NEGLECT, CRUELTY AND EXPLOITATION. HE SHALL NOT BE THE SUBJECT OF TRAFFIC, IN ANY FORM.

2. THE CHILD SHALL NOT BE ADMITTED TO EMPLOYMENT BEFORE AN APPROPRIATE MINIMUM AGE; HE SHALL IN NO CASE BE CAUSED OR PERMITTED TO ENGAGE IN ANY OCCUPATION OR EMPLOYMENT WHICH WOULD PREJUDICE HIS HEALTH OR EDUCATION, OR INTERFERE WITH HIS PHYSICAL, MENTAL OR MORAL DEVELOPMENT.

ARTICLE X - THE CHILD SHALL BE PROTECTED FROM PRACTICES WHICH MAY FOSTER RACIAL, RELIGIOUS OR ANY OTHER FORM OF DISCRIMINATION. HE SHALL BE BROUGHT UP IN A SPIRIT OF UNDERSTANDING, TOLERANCE, FRIENDSHIP AMONG PEOPLES, PEACE AND UNIVERSAL BROTHERHOOD, AND IN FULL CONSCIOUSNESS THAT HIS ENERGY AND TALENTS SHOULD BE DEVOTED TO THE SERVICE OF HIS FELLOW MEN.

ARTICLE XI - THE STATES PARTIES TO THE PRESENT CONVENTION AGREE TO REPORT ON THE STATUS OF IMPLEMENTATION OF THIS CONVENTION TO THE ECONOMIC AND SOCIAL COUNCIL THROUGH THE SECRETARY-GENERAL OF THE UNITED NATIONS ONE YEAR AFTER

RATIFICATION OF THE CONVENTION AND THEREAFTER ONCE EVERY FIVE YEARS.

ARTICLE XII - THE PRESENT CONVENTION IS OPEN FOR SIGNATURE BY ALL STATES. ANY STATE WHICH DOES NOT SIGN THE CONVENTION BEFORE ITS ENTRY INTO FORCE MAY ACCEDE TO IT.

ARTICLE XIII - 1. THE PRESENT CONVENTION IS SUBJECT TO RATIFICATION. INSTRUMENTS OF RATIFICATION SHALL BE DEPOSITED WITH THE SECRETARY-GENERAL OF THE UNITED NATIONS.

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NATIONS.

2. ACCESSION SHALL BE EFFECTED BY THE DEPOSIT OF AN INSTRUMENT OF ACCESSION WITH THE SECRETARY-GENERAL OF THE UNITED NATIONS.

ARTICLE XIV - 1. THE PRESENT CONVENTION SHALL ENTER INTO FORCE SIX MONTHS AFTER THE DATE OF THE DEPOSIT WITH THE SECRETARY-GENERAL OF THE UNITED NATIONS OF THE FIFTEENTH INSTRUMENT OF RATIFICATION OR ACCESSION.

2. FOR EACH STATE RATIFYING THE PRESENT CONVENTION OR ACCEDEING TO IT AFTER THE DEPOSIT OF THE FIFTEENTH INSTRUMENT OF RATIFICATION OR INSTRUMENT OF ACCESSION, THE CONVENTION SHALL ENTER INTO FORCE SIX MONTHS AFTER THE DATE OF THE DEPOSIT OF ITS OWN INSTRUMENT OF RATIFICATION OR INSTRUMENT OF ACCESSION.

ARTICLE XV - ANY STATE PARTY MAY DENOUNCE THE PRESENT CONVENTION BY A WRITTEN NOTIFICATION TO THE SECRETARY-GENERAL OF THE UNITED NATIONS. DENUNCIATION SHALL TAKE EFFECT ONE YEAR AFTER THE DATE OF RECEIPT OF THE NOTIFICATION BY THE SECRETARY-GENERAL.

ARTICLE XVI - 1. A REQUEST FOR THE REVISION OF THE PRESENT CONVENTION MAY BE MADE AT ANY TIME BY ANY STATE PARTY BY MEANS OF A NOTIFICATION IN WRITING ADDRESSED TO THE SECRETARY-GENERAL OF THE UNITED NATIONS.

2. THE GENERAL ASSEMBLY OF THE UNITED NATIONS SHALL INFORM ALL STATES OF THE FOLLOWING PARTICULARS:

(A) SIGNATURES, RATIFICATIONS AND ACCESSIONS UNDER ARTICLES XII AND XIII;

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(B) THE DATE OF ENTRY INTO FORCE OF THE PRESENT CONVEN-
TION UNDER ARTICLE XIV;

(C) DENUNCIATIONS UNDER ARTICLE XV;

(D) NOTIFICATIONS UNDER ARTICLE XVI.

ARTICLE XVIII - 1. THE PRESENT CONVENTION, OF WHICH THE
CHINESE, ENGLISH, FRENCH, RUSSIAN AND SPANISH TEXTS
ARE EQUALLY AUTHENTIC, SHALL BE DEPOSITED IN THE ARCHIVES
OF THE UNITED NATIONS.

2. THE SECRETARY-GENERAL OF THE UNITED NATIONS SHALL
TRANSMIT CERTIFIED COPIES OF THE PRESENT CONVENTION TO
ALL STATES. END TEXT. SORENSON

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